

Serial No.: 09/705,579

REMARKS

Responsive to the above-noted restriction requirement, Applicants elect, without traverse, the Group II invention of claims 57-66 (in part), drawn to a method of treating a tumor or cancer by administering an anti-ErbB2 antibody and further comprising combining a second therapeutic regimen wherein the second therapeutic regimen is a chemotherapeutic agent or growth inhibitory agent. Due to the election of the Group II invention, claim 42 has been amended herein to refer to "administering an anti-ErbB2 antibody and a chemotherapeutic agent or growth inhibitory agent to a patient in amounts effective to kill or inhibit growth of tumor cells in the patient," claims 57-58 have been canceled as moot, and claims 59 and 61 have been amended to depend on claim 42 and the language of those claims is revised so that the language comports with that found in claim 42.

Turning now to the species election on page 5 of the Office Action, Applicants elect the species of a colorectal tumor. Claims readable on the elected species include claims 42, 44, 55-56 and 59-66. As to the species of a chemotherapeutic or growth inhibitory agent, Applicants elect a vinca (e.g. Vincristine, Vinblastine and Vinorelbine). Claims readable on this species include claims 42-56, 59-66.

Further prosecution on the merits is awaited.

Respectfully submitted,
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PATENT TRADEMARK OFFICE

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please amend the following claims:

42. (Amended) A method of treating a tumor or cancer characterized by overexpression or activation of ErbB2 comprising administering an anti-ErbB2 antibody and a chemotherapeutic agent or growth inhibitory agent to a patient in [an] amounts effective to kill or inhibit growth of tumor cells in the patient, wherein the tumor or cancer is selected from the group consisting of a liver tumor, colorectal tumor, prostate tumor, pancreatic tumor, vulval tumor, thyroid tumor, hepatic tumor, sarcoma, glioblastoma, head and neck tumor, leukemia and lymphoid malignancy.

59. (Amended) The method of claim [58] 42 wherein [the second therapeutic regimen comprises administration to the patient of] a chemotherapeutic agent is administered to the patient in an amount effective to kill or inhibit growth of tumor cells in the patient.

61. (Amended) The method of claim [57] 42 wherein [the second therapeutic regimen comprises administration to the patient of] a growth inhibitory agent is administered to the patient in an amount effective to inhibit growth of tumor cells in the patient.

Please cancel claims 57-58 without prejudice or disclaimer.